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PART IV—2-C (1)

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HOME SECRETARIAT

Notification No. HD 16 PFS 76 (II)

Bangalore, dated 30 June 1976.

G. S. R. 179.—The draft of the following rules which the Government of Karnataka propose to make in exercise of the powers conferred by Section 71 of the Karnataka Excise Act, 1965 (Karnataka Act 21 of 1966) is hereby published as required by sub-section (1) of the said section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft rules will be taken into consideration by the State Government on or before 15th July 1976.

Any objection or suggestion which may be received from any person in respect of the said draft rules by the State Government before the date specified above will be considered by the Government. Objections or suggestions may be addressed to the Commissioner for Home Affairs and Secretary to the Government, Home Department, Vidhana Soudha, Post Bag No. 5351, Bangalore-1.

Draft Rules

1. Title, extent and commencement—(1) These rules may be called the Karnataka Excise (Lease of right of retail vend of Beer) Rule, 1976.

(2) They shall extend to the whole of the State of Karnataka

(3) They shall come into force from 1st July 1976.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Karnataka Excise Act, 1965;

(b) "Beer" means any liquor prepared from malt or grain with or without the addition of sugar and hops and includes ale, black beer, porter, stout and spruce beer;

(c) "Form" means a form appended to these rules;

(d) 'Licence" means a licence issued under these rules;

(e) "Year" means year commencing on the first day of July and ending June 30th;

(f) "Shop" means the shop licenced for retail vend of Beer under these rules,

(g) "Lease" means a lease granted under these rules for retail vend of Beer in a Shop.

3. Lease of retail vend of Beer —A person desiring to obtain a lease for retail vend of Beer under these rules, may make an application to the Deputy Commissioner in Form I. The application shall be accompanied by a Treasury challan for having credited the lease amount prescribed in rule 5.

4 Grant of lease of retail vend of Beer.—On receipt of the application under rule 3, the Deputy Commissioner may after making such enquiry for purpose of verification of the particulars furnished by the applicant and if he is satisfied that there is no objection to lease the right of retail vend of Beer, he may with the previous sanction of the Excise Commissioner, grant the lease.

5. Lease amount.—The lease amount for the right of retail vend of Beer shall be Rs. 500 per annum.

6. Duration of lease.— The lease shall be for a period of five years subject to annual renewal subject to good behaviour and payment of lease amount of Rs. 500 per annum.

7, Licence - On grant inglease under rule 4 the Deputy Commissioner shall issue a licence to the lease in

Form No. II. The said licence shall be subject to the conditions specified thereon.

8. Duration of licence.—A Licence shall be valid for the year as where a licence is obtained on any date after the first July until the 30th June thereafter.

9. Renewal of lease.—A Lessee in whose favour the lease has been granted desiring to renew the lease on expiry of the lease, may make an application in Form No. 1 to the Deputy Commissioner at least one month before the expiry of the lease already granted. The application shall be accompanied by a Treasury challan for having credited the lease amount prescribed in rule 5.

10. Grant of renewal of lease.—On receipt of application under rule 9, the Deputy Commissioner may grant the renewal of lease.

11. Renewal of licence.—On grant of lease under rule 10 to the lessee, the Deputy Commissioner shall renew the licence for the period mentioned in the lease. The renewal shall also be in Form No. II-

12. Cash Security.— The lessee before grant of a licence shall furnish a cash security of Rs. 1000/- or Government securities or the Securities recongaised by the Government for fulfilment of the licenced conditions.

By Order and in the name of the Governor of Karnataka,

M. P. JAYASHANKARA ARADHYA,
Under Secretary to Government,
Home Department.

FORM No. I

(*See* Rule 3)

APPLICATION FOR GRANT OF LEASE

1. Name and address of the applicant ...	
2. If the applicant is a company or firm the names and addresses of the Directors or Partners of Company or Firm ...	

3. The location of the premises where the applicant intends to conduct the business under a lease	...
4. Whether a lease amount of Rs, 500 prescribed under these rules is paid ; if so the application shall be accompanied by a Treasury Challan for having credited the lease amount prescribed in rule 5.	...

Place :

Date : Applicant.

FORM No. II

(*See* Rule 7)

PART—A

LICENCE FOR THE RETAIL SALE OF BEER

1 Registration No :
2 Name of the Licence :
3 Name of the Agent or Vender.
4 Locality : (a) Town
(b) Street
(c) Door No.

I,.....the Deputy Commissioner,..... District in consideration of the payment of the prescribed lease amount of Rs. 500 (Rupees Five hundred only) do hereby authorise Shri .....s/o Sri.....residing at..... to sell beer at premises No..... .....situated in..... subject to the conditions prescribed in Part 'B' appended below :—

SCHEDULE SHOWING THE BOUNDARIES OF THE BEER SHOP

Street, Door No. and other particulars	Bounded on the North-by	East-by	South-by	West-by	Remarks

Seal : .....

Place : Deputy Commissioner,

Date : .....District.

(1) The Licensee shall be bound by the provisions of the Karnataka Excise Act, 1965 and any general or special rules prescribed or which may from time to time be prescribed thereunder.

(2) The privilege under this licence is restricted to sale of Beer only.

(3) The holder of this licence shall upon requisition by any Officer not below the rank of Sub-Inspector of Excise be bound to produce before such Officer the original Invoice showing the purchase of Beer for the sale of which this licence is granted for inspection and to give samples of Beer in the shop to be tested.

(4) The Licensee is bound to maintain separate correct accounts of daily transctions of each brand of Beer and submit the returns monthly to the jurisdictional Inspector of Excise within the first week of the next following month.

(5) The Licencensee shall use metric measures only approved by the Weights and Measures Department.

(6) The License shall not transferable without the previous sanction of the Excise Commissioner.

(7) The agent or the Vendor, as the case may be shall equally with the License holder be responsible for breach of any of the conditions of the licence.

(8) The shop shall have only one door both for entry and exit.

(9) The Licenesee shall fix in a conspicuous place outside his shop a Board on which shall legibly be painted his name, numbes of his shop and the article he is licensed to deal in.

(10) If a Vendor opens a cask of a particular brand of Beer and puts on tap, he should not open another cask of the same brand until the previous cask is emptied.

(11) The License may be suspended or cancelled in accordance with the provions of Section 29 of the Act and the Licensee or his employee shall be liable for presecution of breach of any conditions of licence under the provisions of the Act or the rules and orders passed thereunder.

(12) The licence shall continue to be in force till 30th of June.....

(13) Beer shall be sold only for consumption in the premises.

(14) The opening and closing hours of the shop of sale of beer shall be from 9-30 A.M. to 9-30 P.M.

.....

Deputy Commissioner
District.

[*See* Rule 11]

APPLICATIONS FOR RENEWAL OF LICENCE

1	Name and address of the applicant ...	
2.	If the applicant is a company or Firm the names and addresses of the Directors or Partners of Company or Firm ...	
3.	The location of the premises where the applicant conducting the business under a lease	
4.	Whether the applicant/firm is licenced to vend Beer under the Karnataka Excise (Lease of right of retail vend of Beer) Rules, 1976;	
5.	Particulars of licence held by him/ them for retail vend of Beer,	

Place :

Date :

FORM No. IV.

Form B. P. No. 1 **For** sale of beer in Brand.....

Account book of.....Licence holder/retail in Toddy shops.

Month	Date	Opening Balance		Receipts				Total		Issues		Closing Balance		Remarks
		Bulk	Bottles	From whom	Permit No, and Date	Quantity Bulk	Quantity Bottles	Bulk	Bottles	Bulk	Bottles	Bulk	Bottles	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Signature of the license Holder

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